

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6032-CR-ZLOCH\SELTZER

UNITED STATES OF AMERICA)
)
)
 v.)
)
)
 LIONEL HANNA,)
)
 Defendant.)
 _____)

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GOVERNMENT'S MOTION TO SET TRIAL #1

The United States of America, by and through the undersigned Assistant United States Attorney for the Southern District of Florida, files this motion to set the trial of this matter scheduled for the two-week period beginning on July 3, 2000 first because a witness has a vacation that is to begin on July 6, 2000. In support thereof, the following is shown.

1. The trial of this matter is set to commence during the two-week period beginning on July 3, 2000.
2. This case has previously appeared on two trial calendars. The case was continued on both occasions at the request of the defense. The Federal Defender initially represented the defendant and a continuance was granted after the government sought and the grand jury returned a superseding indictment. The trial was continued again after the defendant retained private counsel and the Court permitted substitution thereafter.

3. The Government estimates that the trial will last three (3) days. The case agent has a three-week vacation set to begin on July 6, 2000. Besides his duties as case agent, he is an indispensable witness to the government's case as his testimony will relate to a spontaneous statement uttered by the defendant, the obtainment of a search warrant for the defendant's house, and the contraband and other evidence seized from the defendant's house upon the execution of the search warrant. No other witness is available to the government to testify concerning the defendant's spontaneous statement and the recovery of certain evidence from the defendant's house.

4. If jury selection was completed on July 3, 2000 and trial began on July 5, 2000 (July 4th is a holiday), the government expects that the presentation of its case will be completed on July 6, 2000. The undersigned prosecutor will call the government's witnesses out of order if necessary to ensure that the case agent's testimony is completed by the close of business on July 6, 2000. Should the trial not be completed, the government would request that the Court permit, with the concurrence or over the objection of defense counsel, a substitution at government counsel's table of the case agent with the arresting officer to assist the undersigned prosecutor throughout the balance of the trial.

5. Should the Court be unable to accommodate the Government's request that the trial of this matter begin on July 3, 2000, the United States would respectfully request that the trial be continued until the first week of August to allow the case agent to go on vacation.

6. The undersigned prosecutor has conferred with defense counsel, Don Cohn, regarding the instant motion. Mr. Cohn advised that he would prefer for trial to commence the first week of August, 2000 instead of on July 3, 2000 as he is to be in attendance at a court


hearing out of town on July 6, 2000.

WHEREFORE, for the foregoing reasons, the United States of America respectfully requests that trial of this matter commence on July 3, 2000 or be continued until the first week of August 2000.

Respectfully submitted,


GUY A. LEWIS
UNITED STATES ATTORNEY

By


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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was hand-delivered and delivered by United States mail this 21st day of June 2000 to Don Cohn, Esq., 1504 NW 14th Street, Miami, Florida 33125.


DONALD F. CHASE, II
ASSISTANT UNITED STATES ATTORNEY